Talks Stall In Fla. Suit Over Immigrants Denied Atty Access

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Summary

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Body

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Talks between ACLU attorneys and lawyers representing Baker County Sheriff Scotty Rhoden, two other officers and the Baker County Corrections Management Corp. deadlocked on Thursday despite a five-hour settlement conference before U.S. Magistrate Judge Laura L. Lambert in Jacksonville federal court, according to a minute order filed in the U.S. District Court for the Middle District of Florida.

Jose Luis Mejia Encarnacion, who's also listed as a plaintiff in the lawsuit, appeared telephonically for the meeting, court records show.

The ACLU filed its initial complaint in September 2022, alleging that the sheriff's office and the U.S. Immigration and Customs Enforcement both agreed to allow its attorneys to meet with individual detainees at the Baker County Detention Center and give a "Know Your Rights" presentation. But two days before the first visit, the ACLU said it received an email telling them that

the visit was postponed until further notice, even though no explanation was given.

The nonprofit said the purpose of meeting with detainees was to review each of their cases and to give them an opportunity to document grievances about conditions at the detention center. The ACLU alleged it had three trips that were pre-approved over a span of time from September to October 2022.

In addition, the ACLU alleged that the sheriff's office has a long history of violating detainees' fundamental right to free speech, their right to counsel and their right to access courts.

"The ACLU of Florida has long investigated conditions at immigration detention facilities as part of its immigrants' rights work," the complaint stated, adding that the ACLU said it received reports of abuses, including that jail officials cut off access to water during a hunger strike in May 2022.

Rhoden became personally involved following a formal complaint filed in the U.S. Department of Homeland Security's Office of Civil Rights and Civil Liberties, according to the complaint. Rhoden allowed a local news organization to tour the jail's immigration detention wing, but in a subsequent interview said he wasn't going to "allow people to come in here and lie about our facility," the lawsuit stated.

Court records show that a motion was filed in November to dismiss the claims against the Baker County Sheriff's Office. Less than a month later, the ACLU followed up with an amended complaint that did not name the sheriff's office but still included Rhoden and two other employees: Undersheriff Randy Crews and Evelyn Blue, listed as a captain in the corrections division.

The amended complaint again listed the Baker County Corrections Management Corp., a Florida nonprofit appointed by the Baker County Board of County Commissioners to manage the detention facility in Macclenny, Florida.

Encarnacion was listed as a plaintiff in the amended lawsuit, which stated he's a lawful permanent resident from the Dominican Republic who had been detained at the Macclenny facility for about 11 months at the time of the filing in December 2022.

The ACLU of Florida is represented in-house by Janine M. Lopez, Amien Kacou and Daniel B. Tilley.

Rhoden, Crews and Blue are represented by Matthew J. Carson and Michael P. Spellman of Sniffen & Spellman PA.

The Baker County Corrections Management Corp. is represented by Lizza C. Constantine and Justin B. Levine of Cole Scott & Kissane PA.

The case is ACLU of Florida v. Baker County Sheriff's Office et al., case number 3:22-cv-01044, in the U.S. District Court for the Middle District of Florida.

--Additional reporting by Rae Ann Varona. Editing by Dave Trumbore.

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